

**RULES AND REGULATIONS OF
THE TOWN OF ATHOL
LOCAL LICENSING AUTHORITY**

Licenses and Renewals

(1) Every applicant for a license, either individually or as a member of a partnership or association, shall furnish proof of his citizenship by production of a certificate of birth, naturalization or as a registered voter.

(2) Every application for a license made by an individual shall be signed by the applicant therefor, who shall give his or her full name and home address.

(3) Every application for a license made by a partnership shall state the full names and home addresses of all the members of the partnership and shall be signed by a majority thereof.

(4) Every application for a license made by an association shall be signed by a majority of the members of the governing body thereof, who shall state their full names and home addresses.

(5) Every applicant for a license required by the provisions of Section 5, Chapter 110, General Laws, to file a certificate stating the real name of a person conducting a business, shall file with his application a certified copy thereof.

(6) Every application for a license made by a corporation shall state the full names and home addresses of the president, treasurer, clerk and secretary, directors and manager or other principal representative of the corporation. It shall be signed by some officer duly authorized by a vote of its board of directors or other similar board. A copy of such vote certified by the clerk or secretary of the corporation, together with a copy of the certificate of its organization, shall accompany the application. A copy of the vote appointing its manager or other principal representative shall also accompany the application.

(7) All applications for licenses shall be made upon template forms furnished by the Commonwealth of Massachusetts Alcoholic Beverages Control Commission (ABCC) and shall be fully answered in detail and shall be typewritten on the appropriate forms provided by the ABCC. Applications written in pencil or pen, in whole or in part, will not be accepted.

(8) All applications shall be made under the penalties of perjury and any false statement contained in any application shall be a cause or ground for refusing to grant the license or permit or for suspending, cancelling or revoking a license or permit already granted.

(10) Every application for a license, except renewals, if made by a partnership, shall have attached thereto a certified copy of the partnership agreement.

(11) Every application for a license, except renewals, if made by a corporation, shall have

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attached thereto a certified copy of the Articles of Organization of the corporation, and any amendments thereto, as filed with the Massachusetts Secretary of State (must contain the Seal of the Secretary of State).

(12) Every application for a license, including renewals, if made by a corporation, shall have attached thereto a Certificate of Legal Existence issued by the Massachusetts Secretary of State, and must, contain the Seal of said Secretary.

(13) Every application for a license must have attached thereto a copy of the site plan, drawn to scale, including the proposed seating and occupancy of the proposed licensed premises. Each such blueprint and plan must have all relevant dimensions of the buildings, lot, and parking areas set forth thereon.

(14) Every application for a license shall be accompanied by any approvals required by any Board in accordance with the Code of the Town of Athol that is currently in effect, including but not limited to Site Plan Approval by the Planning Board and any other approvals required by any other municipal boards, committees, commissions or departments.

(15) Every license shall be displayed on the premises covered by the license, in-a conspicuous place where it can easily be read. Every salesman permit shall at all times be carried on the person of the holder of the permit while he is engaged in the solicitation of orders for alcoholic beverages.

(16) Every license shall comply with all laws, rules and regulations promulgated by the Town of Athol as well as the Commonwealth of Massachusetts.

Restaurant All Alcoholic Beverages License

(1) Licensees should be conducting the licensed business on all days authorized by the license. Any licensee intending to close his place of business for inventory, maintenance or another purpose must notify the Local Licensing Authority in writing before such closing and he shall state in his notice the reason and length of time of such closing. In accordance with the ABCC's "pocket license" initiative and in accordance with MGL Chapter 138, Sec. 77 the Local Licensing Authority shall have the authority to not renew a license that is not in operation at the time of renewals .

(2) a. No licensee shall contract bills for his licensed place under any corporate or trade name other than that under which he is licensed. b. Corporation managers in licensed places must not be changed until the Local Licensing Authority has approved such change.

(3) The pledge of stock in corporation licensed places or pledge of license for the purpose of safeguarding the assignee on loans, etc., gives no right to such assignee to conduct the business of the licensee; therefore, licensees must notify the Local Licensing Authority immediately when the assignee forecloses under such pledge of stock or license.

(4) a. Licensee shall immediately notify the Local Licensing Authority of any proceedings brought against them or any proceedings brought by themselves under the Bankruptcy Laws.

b. Licensee shall immediately notify the Local Licensing Authority of any court proceedings which may affect the status of this license.

(5) There shall be no disorder, indecency, prostitution, lewdness, or illegal gambling on the licensed premises or any premises connected therewith by an interior communication.

(6) All alcoholic beverages sold must be opened and consumed on the premises, unless otherwise provided for by law.

(7) No licensee shall keep for sale, store or sell alcoholic beverages in any part of the premises not specified on this license.

(8) The licensed premises shall be subject to inspection by the police of the Town of Athol, and duly authorized agents of the Local Licensing Authority.

(9) No physical renovations shall be made unless a plan is submitted and approved by the Local Licensing Authority.

(10) At all times the entire area must be continuously illuminated to the degree of not less than one (1) foot candle (measured 30 inches from the floor) except those portions of the room under furniture (Chapter 138, Section 1).

(11) No employee and/or entertainer shall solicit, induce or request a patron to purchase any alcoholic or non-alcoholic beverage for them or any other person. Nothing shall prohibit the above activity in connection with any contact which such person may have with a patron to whom they are related by blood or marriage.

(12) No member, guest, or employee shall be served alcoholic beverages after the legal hour for sale of same.

(13) The licensee shall keep a current and accurate list of names of all employees, including name, address, date of birth, date of hire, and position and shall make such list available for inspection upon request by authorized agents of the Police Department and the Local Licensing Authority.

(14) No alcoholic beverages shall be sold for a fee less than the actual cost of the beverage to the licensee. An admission charge shall not be credited towards the purchase price of any alcoholic beverage.

(15) No licensee shall make any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to the admission or treatment of any person.

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(16) This license is subject to suspension, revocation, or forfeiture for breach of any of its conditions, or regulations of which the licensee has notice, or any regulation or law of the Commonwealth.

(17) All licenses and building certificates shall be kept in an accessible place on the premises, available at all times to the proper authorities.

(18) Any police complaints and/or reports, presently on file, shall continue in force until disposed of by this Local Licensing Authority.

(19) The Local Licensing Authority reserves the right to change or add to the foregoing terms and conditions after notice to the licensee.

(20) No devices or electronic equipment shall be utilized by any licensed premises for purpose of signaling employees that agents of licensing authorities are present.

(21) No manager or employee shall consume any alcoholic beverage while on the licensed premises while on duty or after the official closing hour.

Tavern License

(1) Licensees should be conducting the licensed business on all days authorized by the license. Any licensee intending to close his place of business for inventory, maintenance or another purpose must notify the Local Licensing Authority in writing before such closing and he shall state in his notice the reason and length of time of such closing. In accordance with the ABCC's "pocket license" initiative and in accordance with MGL Chapter 138, Sec. 77 the Local Licensing Authority shall have the authority to not renew a license that is not in operation at the time of renewals .

(2) a. No licensee shall contract bills for his licensed place under any corporate or trade name other than that under which he is licensed. b. Corporation managers in licensed places must not be changed until the Local Licensing Authority has approved such change.

(3) The pledge of stock in corporation licensed places or pledge of the license for the purpose of safeguarding the assignee on loans, etc., gives no right to such assignee to conduct the business of the licensee; therefore, licensees must notify the Local Licensing Authority immediately when the assignee forecloses under such pledge of stock or license.

(4) a. Licensee shall immediately notify the Local Licensing Authority of any proceedings brought against them or any proceedings brought by themselves under the Bankruptcy Laws.

b. Licensee shall immediately notify the Local Licensing Authority of any court proceedings which may affect the status of this license.

(5) There shall be no disorder, indecency, prostitution, lewdness, or illegal gambling on the licensed premises or any premises connected therewith by an interior communication.

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(6) All alcoholic beverages sold must be opened and consumed on the premises, unless otherwise provided for by law.

(7) No licensee shall keep for sale, store or sell alcoholic beverages in any part of the premises not specified on this license.

(8) The licensed premises shall be subject to inspection by the police of the Town of Athol, and duly authorized agents of the Local Licensing Authority.

(9) No physical renovations shall be made unless a plan is submitted and approved by the Local Licensing Authority.

(10) At all times the entire area must be continuously illuminated to the degree of not less than one (1) foot candle (measured 30 inches from the floor) except those portions of the room under furniture (Chapter 138, Section 1).

(11) No employee and/or entertainer shall solicit, induce or request a patron to purchase any alcoholic or non-alcoholic beverage for them or any other person. Nothing shall prohibit the above activity in connection with any contact which such person may have with a patron to whom they are related by blood or marriage.

(12) No member, guest, or employee shall be served alcoholic beverages after the legal hour for sale of same.

(13) The licensee shall keep a current and accurate list of names of all employees, including name, address, date of birth, date of hire, and position and shall make such list available for inspection upon request by authorized agents of the Police Department and the Local Licensing Authority.

(14) No alcoholic beverages shall be sold for a fee less than the actual cost of the beverage to the licensee. An admission charge shall not be credited towards the purchase price of any alcoholic beverage.

(15) No licensee shall make any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to the admission or treatment of any person.

(16) This license is subject to suspension, revocation, or forfeiture for breach of any of its conditions, or regulations of which the licensee has notice, or any law of the Commonwealth.

(17) All licenses and building certificates shall be kept in an accessible place on the premises, available at all times to the proper authorities.

(18) Any police complaints and/or reports, presently on file, shall continue in force until

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disposed of by this Local Licensing Authority.

(19) The Local Licensing Authority reserves the right to change or add to the foregoing terms and conditions after notice to the licensee.

(20) No devices or electronic equipment shall be utilized by any licensed premises for purpose of signaling employees that agents of licensing authorities are present.

(21) No manager or employee shall consume any alcoholic beverage while on the licensed premises while on duty or after the official closing hour.

General On Premises License

(1) Licensees should be conducting the licensed business on all days authorized by the license. Any licensee intending to close his place of business for inventory, maintenance or another purpose must notify the Local Licensing Authority in writing before such closing and he shall state in his notice the reason and length of time of such closing. In accordance with the ABCC's "pocket license" initiative and in accordance with MGL Chapter 138, Sec. 77 the Local Licensing Authority shall have the authority to not renew a license that is not in operation at the time of renewals.

(2) a. No licensee shall contract bills for his licensed place under any corporate or trade name other than that under which he is licensed.

b. Corporation managers in licensed places must not be changed until the Local Licensing Authority has approved such change.

(3) The pledge of stock in corporation licensed places or pledge of the license for the purpose of safeguarding the assignee on loans, etc., gives no right to such assignee to conduct the business of the licensee; therefore, licensees must notify the Local Licensing Authority immediately when the assignee forecloses under such pledge of stock or license.

(4) a. Licensee shall immediately notify the Local Licensing Authority of any proceedings brought against them or any proceedings brought by themselves under the Bankruptcy Laws.

b. Licensee shall immediately notify the Local Licensing Authority of any court proceedings which may affect the status of this license.

(5) There shall be no disorder, indecency, prostitution, lewdness, or illegal gambling on the licensed premises or any premises connected therewith by an interior communication.

(6) All alcoholic beverages sold must be opened and consumed on the premises, unless otherwise provided for by law.

(7) No licensee shall keep for sale, store or sell alcoholic beverages in any part of the premises not specified on this license.

(8) The licensed premises shall be subject to inspection by the police of the Town of

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Athol, and duly authorized agents of the Local Licensing Authority.

(9) No physical renovations shall be made unless a plan is submitted and approved by the Local Licensing Authority.

(10) At all times the entire area must be continuously illuminated to the degree of not less than one (1) foot candle (measured 30 inches from the floor) except those portions of the room under furniture (Chapter 138, Section 1).

(11) No employee and/or entertainer shall solicit, induce or request a patron to purchase any alcoholic or non-alcoholic beverage for them or any other person. Nothing shall prohibit the above activity in connection with any contact which such person may have with a patron to whom they are related by blood or marriage.

(12) No member, guest, or employee shall be served alcoholic beverages after the legal hour for sale of same.

(13) The licensee shall keep a current and accurate list of names of all employees, including name, address, date of birth, date of hire, and position and shall make such list available for inspection upon request by authorized agents of the Police Department and the Local Licensing Authority.

(14) No alcoholic beverages shall be sold for a fee less than the actual cost of the beverage to the licensee. An admission charge shall not be credited towards the purchase price of any alcoholic beverage.

(15) No licensee shall make any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to the admission or treatment of any person.

(16) This license is subject to suspension, revocation, or forfeiture for breach of any of its conditions, or regulations of which the licensee has notice, or any law of the Commonwealth.

(17) All licenses and building certificates shall be kept in an accessible place on the premises, available at all times to the proper authorities.

(18) Any police complaints and/or reports presently on file, shall continue in force until disposed of by this Local Licensing Authority.

(19) The Local Licensing Authority reserves the right to change or add to the foregoing terms and conditions after notice to the licensee.

(20) No devices or electronic equipment shall be utilized by any licensed premises for the purpose of signaling employees that agents of licensing authorities are present.

(21) No manager or employee shall consume any alcoholic beverage while on the licensed premises while on duty or after the official closing hour.

Commercial Club License

(1) Licensees should be conducting the licensed business on all days authorized by the license. Any licensee intending to close his place of business for inventory, maintenance or another purpose must notify the Local Licensing Authority in writing before such closing and he shall state in his notice the reason and length of time of such closing. In accordance with the ABCC's "pocket license" initiative and in accordance with MGL Chapter 138, Sec. 77 the Local Licensing Authority shall have the authority to not renew a license that is not in operation at the time of renewals.

(2) a. No licensee shall contract bills for his licensed place under any corporate or trade name other than that under which he is licensed.

b. Corporation managers in licensed places must not be changed until the Local Licensing Authority has approved such change.

(3) The pledge of stock in corporation licensed places or pledge of the license for the purpose of safeguarding the assignee on loans, etc., gives no right to such assignee to conduct the business of the license; therefore, licensees must notify the Local Licensing Authority immediately when the assignee forecloses under such pledge of stock or license.

(4) a. Licensee shall immediately notify the Local Licensing Authority of any proceedings brought against them or any proceedings brought by themselves under the Bankruptcy Laws.

b. Licensee shall immediately notify the Local Licensing Authority of any court proceedings which may affect the status of this license.

(5) There shall be no disorder, indecency, prostitution, lewdness, or illegal gambling on the licensed premises or any premises connected therewith by an interior communication.

(6) All alcoholic beverages sold must be opened and consumed on the premises, unless otherwise provided for by law.

(7) No licensee shall keep for sale, store or sell alcoholic beverages in any part of the premises not specified on this license.

(8) The licensed premises shall be subject to inspection by the police of the Town of Athol, and duly authorized agents of the Local Licensing Authority.

(9) No physical renovations shall be made unless a plan is submitted and approved by the Local Licensing Authority.

(10) At all times the entire area must be continuously illuminated to the degree of not less than one (1) foot candle (measured 30 inches from the floor) except those portions of the room under furniture (Chapter 138, Section 1).

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(11) No employee and/or entertainer shall solicit, induce or request a Patron to purchase any alcoholic or non-alcoholic beverage for them or any other person. Nothing shall prohibit the above activity in connection with any contact which such person may have with a patron to whom they are related by blood or marriage.

(12) No member, guest, or employee shall be served alcoholic beverages after the legal hour for sale of same.

(13) The licensee shall keep a current and accurate list of names of all employees, including name, address, date of birth, date of hire, and position and shall make such list available for inspection upon request by authorized agents of the Police Department and the Local Licensing Authority.

(14) No alcoholic beverages shall be sold for a fee less than the actual cost of the beverage to the licensee. An admission charge shall not be credited towards the purchase price of any alcoholic beverage.

(15) No licensee shall make any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to the admission or treatment of any person.

(16) This license is subject to suspension, revocation, or forfeiture for breach of any of its conditions, or regulations of which the licensee has notice, or any law of the Commonwealth.

(17) All licenses and building certificates shall be kept in an accessible place on the premises, available at all times to the proper authorities.

(18) Any police complaints and/or reports, presently on file, shall continue in force until disposed of by this Local Licensing Authority.

(19) The Local Licensing Authority reserves the right to change or add to the foregoing terms and conditions after notice to the licensee.

(20) No devices or electronic equipment shall be utilized by any licensed premises for purpose of signaling employees that agents of licensing authorities are present.

(21) No manager or employee shall consume any alcoholic beverage while on the licensed premises while on duty or after the official closing hour.

Club Licenses

(1) Licensees should be conducting the licensed business on all days authorized by the license. Any licensee intending to close his place of business for inventory, maintenance or another purpose must notify the Local Licensing Authority in writing before such closing and he shall state in his notice the reason and length of time of such closing. In accordance

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with the ABCC's "pocket license" initiative and in accordance with MGL Chapter 138, Sec. 77 the Local Licensing Authority shall have the authority to not renew a license that is not in operation at the time of renewals.

(2) a. No licensee shall contract bills for his licensed place under any corporate or trade name other than that under which he is licensed.

b. Corporation managers in licensed places must not be changed until the Local Licensing Authority has approved such change.

(3) The pledge of stock in corporation licensed places or pledge of the license for the purpose of safeguarding the assignee on loans, etc., gives no right to such assignee to conduct the business of the licensee; therefore, licensees must notify the Local Licensing Authority immediately when the assignee forecloses under such pledge of stock or license.

(4) a. Licensee shall immediately notify the Local Licensing Authority of any proceedings brought against them or any proceedings brought by themselves under the Bankruptcy Laws.

b. Licensee shall immediately notify the Local Licensing Authority of any court proceedings which may affect the status of this license.

(5) There shall be no disorder, indecency, prostitution, lewdness, or illegal gambling on the licensed premises or any premises connected therewith by an interior communication.

(6) All alcoholic beverages sold must be opened and consumed on the premises, unless otherwise provided for by law.

(7) No member, guest, or employee shall be served alcoholic beverages after the legal hour for sale of same.

(8) No alcoholic beverages shall be sold for a fee less than the actual cost of the beverage to the licensee. An admission charge shall not be credited toward the purchase price of any alcoholic beverage.

(9) No licensee shall keep for sale or sell alcoholic beverages in any part of the premises not specified on this license.

(10) The licensed premises shall be subject to inspection by the Police of the Town of Athol, and duly authorized agents of the Local Licensing Authority.

(11) No physical renovations shall be made unless a plan is submitted and approved by the Local Licensing Authority.

(12) A current list of employees and members shall be available upon request of authorized agents of the Local Licensing Authority.

(13) At all times the entire area must be continuously illuminated to the degree of not less

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than one (1) foot candle (measured 30 inches from the floor) except those portions of the room under furniture (Chapter 138, Section 1).

(14) No employee and/or entertainer shall solicit, induce or request a patron to purchase any alcoholic or non-alcoholic beverage for them or any other person. Nothing shall prohibit the above activity in connection with any contact which such may have with a patron to whom they are related by blood or marriage.

(15) There shall be no indecent or immoral entertainment on the licensed premises.

(16) No licensee shall make any distinction, discrimination or on account of race, color, religious creed, national origin, sex or ancestry relative to the admission or treatment of any person.

(17) The license is subject to suspension, revocation or forfeiture for breach of any of its conditions, or regulations of which the licensee has notice, or any law of the Commonwealth.

(18) All licenses and building certificates shall be kept in an accessible place on the premises, available at all times to the proper authorities.

(19) Any police complaints and/or reports, presently on file, shall continue in force until disposed of by this Local Licensing Authority.

(20) The Local Licensing Authority reserves the right to change or add to the foregoing terms and conditions after notice to the licensee.

(21) No devices or electronic equipment shall be utilized by any licensed premises for purpose of signaling employees that agents of licensing authorities are present.

(22) No holder of a club license issued pursuant to M.G.L. c. 138, s 12, other than a club that is distinctly private, may make any distinction, discrimination, or restriction on account of race, color, religious creed, national origin, sex, sexual orientation, physical or mental disability or ancestry relative to the admission of any person to membership in the club or to admission to the premises as a guest or relative to the treatment of any member or guest at the club premises. No holder of such a license shall violate any of the provisions, terms, or conditions of Regulations of the Alcoholic Beverages Control Local Licensing Authority, 204 CMR 2.00 et seq., as amended.

(23) Access to Club by the Police Department.

All liquor establishments with a Club License will provide the Chief of Police and the authorized Liquor Agent from the Athol Police Department with a current access code, current pass card or key to gain access into the establishment during published hours of operations to conduct an investigation. This does not exempt the Police from entering the establishment after hours if they have reason to believe that an illegality is taking place within the licensed premise.

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At any time the method in which the club members gain entry into the Club changes the Chief of Police and Liquor Agent from the Police Department shall be informed immediately and provided with method of access.

Retail Package Store License

(1) Licensees should be conducting the licensed business on all days authorized by the license. Any licensee intending to close his place of business for inventory, maintenance or another purpose must notify the Local Licensing Authority in writing before such closing and he shall state in his notice the reason and length of time of such closing. In accordance with the ABCC's "pocket license" initiative and in accordance with MGL Chapter 138, Sec. 77 the Local Licensing Authority shall have the authority to not renew a license that is not in operation at the time of renewals.

(2) a. No licensee shall contract bills for his licensed place under any corporate or trade name other than that under which he is licensed.

b. Corporation managers in licensed places must not be changed until the Local Licensing Authority has approved such change.

(3) The pledge of stock in corporation licensed places or pledge of the license for the purpose of safeguarding the assignee on loans, etc., gives no right to such assignee to conduct the business of the licensee; therefore, licensees must notify the Local Licensing Authority immediately when the assignee forecloses under such pledge of stock or license.

(4) a. Licensee shall immediately notify the Local Licensing Authority of any proceedings brought against them or any proceedings brought by themselves under the Bankruptcy Laws.

b. Licensee shall immediately notify the Local Licensing Authority of any court proceedings which may affect the status of this license.

(5) All prices that can be seen by customers in your store whether on shelves, in circular form, or otherwise, must correspond with the current posted price list.

(6) The licensed premises shall be subject to inspection by the police of the Town of Athol, and duly authorized agents of the Local Licensing Authority.

(7) No alcoholic beverages shall be sold to be drunk on the premises, unless otherwise provided for by law.

(8) No licensee shall keep for sale, store or sell alcoholic beverages in any part of the premises not specified on this license.

(9) The license is subject to suspension, revocation, or forfeiture for breach of any of its conditions, or regulations of which the licensee has notice, or any law of the Commonwealth.

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(10) No delivery of alcoholic beverages shall be made except during the legal hours of sale.

(11) No business of any nature shall be conducted on the license premises on Sunday, unless the Local Licensing Authority has approved the opening of the licensed premises on Sunday for the sale of alcoholic beverages, wine and/or malt beverages in accordance with M.G.L. c. 138 § 15, et seq.

(12) The licensee shall keep a current and accurate list of names of all employees, including name, address, date of birth, date of hire, and position and shall make such list available for inspection upon request by authorized agents of the Police Department and the Local Licensing Authority.

(13) All licenses and building certificates shall be kept in an accessible place on the premises, available at all times to the proper authorities.

(14) Any police complaints and/or reports, presently on file, shall continue in force until disposed of by this Local Licensing Authority.

(15) No licensee shall make any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to the admission or treatment of any person.

(16) The Local Licensing Authority reserves the right to change or add to the foregoing terms and conditions after notice to the licensee.

Keg Identification Requirements

(1) Keg Identification Required

a. As used in this section, "keg" means any brewery-sealed, individual container of beer having a liquid capacity of seven and three-fourths gallons or more.

b. All licensees operating within the Town of Athol who sell beer in kegs for consumption off licensed premises shall attach a numbered identification tag or label to each keg of beer at the time of sale which shall include the name and address of the licensee and shall require the signing of a receipt by the purchaser, with the identifying number noted on the receipt. The purpose is to enable the keg to be traced if it is used in violation of any law of the Commonwealth or Town bylaw, regulation or ordinance. The receipts and the keg identification tags shall be in a form approved by the Chief of Police. The receipt shall clearly identify the purchaser in a legible manner, and shall contain the purchaser's address and the location where the beer in the keg is expected to be consumed. The licensee shall keep all receipts for not less than six months.

c. Penalty. Any person, firm or corporation violating any provision of this Section shall be fined for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Repeated or willful violations may be grounds for suspension or revocation of a license to sell alcoholic beverages.

(2) A deposit of \$50.00 is required when furnishing a "keg", in any size.

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(3) The licensee shall inform all "keg" customers that if the keg is returned without the numbered identification tag or band intact, the \$50.00 deposit will be forfeited. All forfeited monies shall be immediately turned over to the Town Treasurer.

(4) The cost of the identification band or tag shall be borne by the customer.

Capacity Of Licensed Premises

The Local Licensing Authority approves each license petition based in part on the capacity figure set for the building plan at the time of the approval of the petition. Consideration is given at this time to the use to which the particular premises is to be put and to whether or not that use can be conducted in a manner so as to protect the common good at the capacity level requested. The Licensee is required to obtain a Certificate of Inspection in order to renew a license issued pursuant to M.G.L. c. 138, §12, which requires the occupancy to be certified on an annual basis. Further, the ABCC has promulgated regulations pertaining to licensed premises with an occupant load of 100 or more persons to have trained Crowd Managers. The Licensee is required to comply with any and all regulations promulgated by the ABCC with regard to occupancy and occupant load.

If an existing licensee seeks an increase in capacity, the licensee must first petition the building department for approval of the increase. Next, the licensee must petition the Local Licensing Authority for this increase by means of a petition to amend the capacity of the premises. This petition cannot seek an increase greater than the one approved by the Building Department. Based upon the evidence presented at a public hearing on the licensee's petition before the Local Licensing Authority, the Local Licensing Authority will set an actual allowable capacity for the premises not to exceed the maximum set by the Building Department.

A licensee who increases capacity in the licensed premises without approval as stated above will be subject to disciplinary proceedings under M.G.L.C. 138, Section 64, for failure to comply with this rule.

General Regulations

(1) The words used in these rules and regulations shall have the same meanings as defined in M.G.L. Chapter 138, Section 1, as amended, unless the context requires otherwise.

(2) Every licensee, and every licensed premises, shall comply with all of the terms, conditions, requirements and provisions of M.G.L. Chapter 138, Section 1 et seq., as amended, and all of the Rules and Regulations of the Alcoholic Beverages Control Commission adopted pursuant thereto, including but not limited to those rules and regulations contained in 204 CMR 2.00 - 10.00, as amended.

(3) The licensed premises must at all times be kept clean, neat and sanitary with special attention being given to keeping windows clean.

(4) All booths which are closed or over four feet in height are prohibited.

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(5) Venetian Blinds may be extended to the full length of windows and kept in that position provided that they are operated so that the shutters remain in a horizontal position in order that a clear view may be had of the premises at all times.

(6) Use of any room on the premises for the sale or consumption of alcoholic beverages which is not specifically authorized for such purposes shall be prohibited.

(7) Licensees having facilities other than a bar to dispense food and beverages shall prohibit minors from being served at the bar.

(8) Licensees or their managers or employees shall not be present on their licensed premises while in an intoxicated condition.

(9) Touching, caressing or fondling of the female breasts, or of the buttocks or genitals of another person; sexual intercourse, masturbation, sodomy or any sexual act prohibited by law in a public place or other undue familiarity between the sexes shall be promptly discouraged and such offenders ejected from the premises if necessary. Any licensee or his employees who knowingly permits the use of licensed premises for the purpose of promoting any of the above listed activities shall be subject to suspension or revocation of his license.

(10) Licensees having dance permits shall not permit lewd or suggestive dancing by their patrons.

(11) All alcoholic beverages must be removed from tables, counters, booths and bars by fifteen minutes after the closing hour and all drinking shall cease by fifteen minutes after the closing hour.

(12) Last call for service of alcoholic beverages or drink shall be made 15 minutes before closing. No pitchers of malt beverages or half or full liter carafes shall be sold 30 minutes before closing.

(13) Card playing, illegal gambling, and illegal promotion of a lottery shall not be allowed on any licensed premises. Card playing is permitted in a licensed Club if it is not for gaming purposes.

(14) No employee shall sit in a booth or at a bar and indulge in drinking or dancing with any customer while on duty.

(15) Whenever any persons other than the licensee, or his employees who are not on duty, are within the licensed premises, all public entrances to said premises must be kept unlocked.

(16) No person(s) shall be allowed to remain on the premises after 20 minutes past

the legally prescribed closing hour except the bartender and/or other person(s) duly employed by the business solely for the purpose of cleaning and closing the business. No alcoholic beverage shall be consumed during the time.

(17) All persons employed by a business licensed by the Town of Athol to sell alcoholic beverage shall be required, upon request of any law enforcement officer, to identify himself or herself to that law enforcement officer and shall further be required to produce positive identification verifying such information if requested by that officer.

(18) All private clubs shall admit a police officer immediately after the officer has identified himself or herself. Any delays shall be considered a violation of M.G.L. Chapter 138, Section 63, and shall be cause for revocation or suspension of the license.

(19) No license issued under Sections 12, 14, or 15 of M.G.L. Chapter 138, as amended, shall authorize the sale of any alcoholic beverages other than those purchased from a licensee holding a license under Sections 18, 19, or 19B, or from a holder of a special permit to sell issued under Section 22A of Chapter 138, as amended.

(20) The sale, possession, or drinking of alcoholic beverages outside the interior of the buildings which are designated in the license as the licensed premises is expressly prohibited unless the license specifically authorizes otherwise.

(21) In the event that a disturbance or breach of peace occurs on the licensed premises resulting in a physical injury to any person, the licensee or responsible person shall promptly notify the Police and shall take all reasonable steps to assist such injured person and shall cooperate with Police in their investigation.

(22) MANDATORY Server Training:

All licensed establishments shall ensure that all owners and managers and those employees who dispense or deliver alcoholic beverages within or on the property licensed premise be trained in an approved alcohol awareness program selected by the Board of Selectmen acting as the Local Licensing Authority.

*The Athol Board of Selectmen acting as the Local Licensing Authority has selected the program known as (T.I.P.S.) **T**rain**I**ng and **I**ntervention **P**rocedures for **S**ervers of alcohol to be their approved alcohol awareness program. All licensed establishments shall be required to participate in a T.I.P.S. certification program. (**T**rain**I**ng and **I**ntervention **P**rocedures for **S**ervers of alcohol).*

The participants in the T.I.P.S. program can take an on-line training course to get their training and certification. The website for this training can be found at <http://www.tipsalcohol.com>.

There are two (2) types of training available in the T.I.P.S. program. The first program is known as the "Off-Premise" Certification, which is for those managers or servers who work in Grocery, Liquor, and Convenience Stores as

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well as Gas Stations. The second program is known as the "On Premise" Certification, which is for those managers or servers who work in Bars, Restaurants, Hotels, & Night Clubs. Any establishment that serves Liquor by the drink. Bartenders, Barbacks, Servers, Managers and Owners

The licensed manager who shall be trained and certified in the T.I.P.S. program and/or at least one (1) employee who is trained and certified in the T.I.P.S. program is required to be on during all licensed operating hours.

All licensed establishments must maintain, during operating hours, in an accessible place, a roster or certificate of trained personnel.

An updated roster shall be submitted to the Liquor License Coordinator for Board of Selectmen acting as the Local Licensing Authority when submitting the annual application for renewal of their liquor license and any amendments to the roster shall be submitted to the Liquor License Coordinator during the year. The roster shall include: employee name, date of birth, type of training, date completed, and date of expiration.

All personnel shall be required to be recertified once every three years by the approved program.

(23) Licensees shall refuse entrance to the premises to a person who appears to be intoxicated or unruly; and shall evict such patron, except that in such case the licensee should call the Police and should offer assistance to an intoxicated person when possible.

(24) Conduct of doormen or "Bouncers":

Licensees shall instruct their employees and security personnel that they are not to make bodily contact with a patron unless to protect other patrons or themselves from an unruly patron. In all other circumstances, employees and security personnel shall call the Police to have patrons removed from the premises when such patrons are being disruptive and they are unable to convince the patron to leave the premises voluntarily.

Licensees shall call the Police and an ambulance and take all reasonable steps to assist patrons or persons injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the licensee.

(25) Responsibility for outside activity:

Licensee shall act reasonably and diligently to disburse loiters or patrons who attempt to congregate in front of or at the licensed premises. Failure of the licensee to keep persons from congregating at the licensed premises may lead to disciplinary action against the licensee for allowing a public nuisance. Action to be taken by the licensee may include:

Maintaining the front door in a closed position; Asking loiters to disburse;

Promptly notifying the Police if loiters refuse to disburse; Hiring a Security Guard or stationing a Security employee at the front door to disburse loiters;

Refusing to allow patrons to walk in and out of the premises at short intervals;

Maintaining order in lines of patrons waiting outside to get in;

Announcing that no further patrons will be allowed into the premises if lines become too long or disorderly or loud.

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Restrictions on the Promotion of the Sale of Alcoholic Beverages

(1) No licensee or employee or agent of a licensee shall:

- (a) offer or deliver any free drinks to any person or group of persons;
- (b) deliver more than two drinks to one person at one time;
- (c) sell, offer to sell or deliver to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;
- (d) sell, offer to sell or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;
- (e) sell, offer to sell or deliver drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
- (f) sell, offer to sell or deliver malt beverages or mixed drinks by the pitcher except to two or more persons at any one time;
- (g) increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week;
- (h) encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.

(2) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under 204 CMR 4.03.

Package Store Regulations

The following acts of conduct with respect to licensed premises are deemed contrary to the public need and to the common good and, therefore no license shall be held for the sale of alcoholic beverages not to be drunk on the premises where such acts or conduct are permitted.

(1) ADJACENT PREMISES -- No licensee for sale of alcoholic beverages not to be drunk on the premises shall permit loitering or drinking of alcoholic beverages on premises under his control which are adjacent to or in close proximity to his licensed premises. The phrase "premises under his control which are adjacent to or in close proximity to his licensed premises" shall include but not be limited to access, service and parking areas for the licensed premises which are owned, leased, licensed, provided under contract, or otherwise controlled by the licensee.

Severability

If any of the provisions of these Rules and Regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of such Rules and Regulations or the application of such other provisions, which can be given effect without the invalid provision or application thereof, and for this purpose the provisions of these Rules and Regulations are severable.

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Compliance with Other Laws

Notwithstanding any of the foregoing Rules and Regulations, no person duly licensed by the Local Licensing Authority of the Town of Athol under M.G.L. Chapter 138, Sections 1, 12, 13, 14, or 23; as amended, shall employ, use the services of, or permit upon his licensed premises any employee, entertainer, or other person who by his or her attire or conduct violates any General Law, Special Act, or By-Law or Ordinance of the Town of Athol.

Complaint Procedure – for Complaints involving Entertainment and Liquor Licenses

(1) Any person may file a complaint with the Local Licensing Authority concerning a license for the sale of alcoholic beverages in the Town Of Athol.

(2) All complaints shall be in writing on a form designated by the Local Licensing Authority. Complaint Forms shall be made available at the Police Department, Exchange Street, Athol, Massachusetts. No complaint shall be accepted if it does not contain the full name, address and telephone number of the complaining party.

(3) Complaints shall be filed with the Office of the Board of Selectmen, acting as Local Licensing Authority of the Town of Athol, or at the Police Department, 584 Main Street, Athol, Massachusetts. If the complaint is filed at the Police Department, it shall be immediately forwarded to the Office of the Board of Selectmen.

(4) Upon receipt of a complaint, the Clerk of the Local Licensing Authority shall record the name of the licensee, the name of the complainant, the date of the complaint and the date of the incident complained of.

(5) After the complaint is docketed with the Clerk of the Local Licensing Authority, the Local Licensing Authority may, in their discretion, forward a copy of the complaint to the Chief of Police with a request that the complaint be investigated and a report thereon be submitted to the Local Licensing Authority.

(6) Upon receipt of the report of the investigation, the Local Licensing Authority shall determine if a disciplinary hearing should be held concerning the licensee. If the Local Licensing Authority determines that no disciplinary hearing should be held, the Clerk shall notify the complainant, in writing, by mail, postage prepaid, of the decision of the Local Licensing Authority. If the Local Licensing Authority determines that a hearing should be held on the complaint, both the Licensee and the complainant shall be notified of the date, time and place of such hearing, in writing, by mail, postage prepaid.

Liquor License and/or Entertainment License Suspension or Revocation

Any violation of the Town's Liquor License Rules & Regulations, Regulations of the Alcoholic Beverage Commission and / or G.L.C. 138 may be grounds for action by the Commission including the modification, suspension, revocation, non-renewal or cancellation of a license. In determining the appropriate action in any case the Local Licensing Authority will consider all relevant factors including the licensee's prior record,

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the nature of the offense, and other aggravating or mitigating circumstances. The following schedule of recommended discipline is a guideline intended to illustrate the range of disciplinary action that the Local Licensing Authority might impose for certain violations. The Commission is not limited by these guidelines and may impose greater or less discipline as it sees fit.

Further the Local Licensing Authority shall use acknowledge the provisions for compliance in accordance with the Standard Penalty Structure as specified in the Franklin County Alcoholic Beverages Compliance Initiative Memorandum of Understanding signed by the Board of Selectmen and the Franklin Regional Council of Governments on March 16, 2010. A copy of this document in its entirety is attached to these rules and regulations.

<u>OFFENSE</u>	<u>OCCURRENCE</u>	<u>RECOMMENDED DISCIPLINE</u>
Serving a minor	First	Written Warning to Licensee
	Second	3 Day Suspension
	Third	14 Day Suspension
	Fourth	Revocation of License
Serving an Intoxicated Person	First	2-3 Day Suspension
	Second	5-10 Day Suspension
	Third	10-21 Day Suspension
	Fourth	30 Day to Revocation
Operating after Established Hours	First	Written Warning to 5 Day Suspension
	Second	5-10 Day Suspension
	Third	15 Day Suspension to Revocation
Failure to Notify Police Of Non-Employees Remaining on Premises After Closing	First	Written Warning to 3 Day Suspension
	Second	3-7 Day Suspension
	Third	7-10 Day Suspension
	Fourth	21 Day Suspension to Revocation

Suspension Service

1. A public notice of suspension must be displayed in plain view and should read "No alcohol served per order of the Town of Athol Licensing Authority" and shall remain affixed throughout the entire period of suspension.
2. License shall be surrendered to the Local Licensing Authority by 9 a.m. of the first day of suspension and shall be picked up by 9 a.m. once suspension is fulfilled.

3. Upon appeal of suspension to the ABCC the Licensee must request in writing a "Stay" from the Local Licensing Authority.

Hours of Operation

Times for selling liquor in the Town of Athol are as follows:

Pouring –

Monday – Saturday 8:00 am – 1:15 am

Sunday 11:00am – 1:15 am.

Package –

Monday – Saturday 8:00 am – 11:00 pm

Sunday 10:00 pm – 11:00 am.

May stay open until 11:30 pm on any day before a legal holiday

Fees

Liquor Licenses / Permits		
Beer & Wine	300	Annual
All Alcohol	750	Annual
One Day Alcohol (Sale)	25	1-Day
Alcohol Consumption on Town Property	25	1-Day
Weekday Auto Amusement	25/machine	Annual
Sunday Auto Amusement		
Pool Table	50/machine	Annual
Juke Box	50/machine	Annual
Video/Pin Ball	25/machine	Annual
State Fee	50 / 100 see office	Annual

BYOB

At this time the Town of Athol's Local Licensing Authority makes no provisions for BYOB (brown bag policy).

Effective Date

The foregoing Rules and Regulations shall take effect on Dec. 3, 2013

LOCAL LICENSING AUTHORITY

TOWN OF ATHOL

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